

**Village Council
Monday,
August 17, 2009
7:00 PM**

Minutes

Call to Order: Mr. Deeds called the meeting to order at 7pm

Pledge of Allegiance: Mr. Deeds led the Pledge of Allegiance

Roll Call:

John Bender	Rick Deeds	Bruce Jarvis	Bobbie Mershon
Victor Paini	Marilyn Rush-Ekelberry		

Mrs. Mershon moved to excuse Mrs. Turner; seconded by Mr. Jarvis.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried.

Approval of Minutes:

Mrs. Rush-Ekelberry moved to approve the minutes from the August 3rd, 2009 meeting and was seconded by Mr. Paini.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried.

Communications & Petitions:

A notice was received from the Ohio Division of Liquor Control that Alternative Products & Services, LLC dba Garden Herb Shop has made application for a C2 Liquor permit. A C2 permit allows for Wine and certain prepackaged mixed drinks in sealed containers for carry out.

A notice was received from the Franklin County Budget Commission regarding the 2010 Local Government Fund allocation for the Village of Canal Winchester.

Village Residents Comments:

Five-minute limit per person

Jeffrey Bond, of 146 Washington Street Apt C, stated that the developers in the area are costing the Village a lot of money in repairs in areas like Thrush Drive building shoddy projects and then we have to spend money to fix them.

ORDINANCES:

FIRST Reading

Sponsor: Dr. Bender
O-09-08B AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A WATER
EXTENSION AGREEMENT WITH NEW LIFE COMMUNITY CHURCH
Dr. Bender read the ordinance. First reading only.

Sponsor: Mrs. Mershon
O-09-08C TO AUTHORIZE THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED
AGREEMENT WITH THE CANAL WINCHESTER SCHOOL BOARD WITH REGARD
TO RENEWING AND EXTENDING THE TERM OF THE CANAL WINCHESTER
JOINT RECREATION DISTRICT.
Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mr. Paini
O-09-08D AN ORDINANCE AUTHORIZING THE MAYOR TO SEEK FINANCIAL
ASSISTANCE FROM THE SCIP/LTIP FOR FUNDING OF A CAPITAL
INFRASTRUCTURE IMPROVEMENT PROJECT, GENDER ROAD &
WINCHESTER BOULEVARD INTERSECTION IMPROVEMENTS AND
GENDER ROAD & FOX HILL DRIVE INTERSECTION IMPROVEMENTS
PROJECT AND DECLARING AN EMERGENCY

Mr. Paini read the ordinance and moved to suspend the rules; seconded by Dr. Bender.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
NAYS
Motion carried.

Mr. Paini moved to adopt Ordinance 52-09. Mrs. Rush-Ekelberry seconded the motion. Discussion ensued.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
NAYS
Motion carried.

RESOLUTIONS

THIRD Reading

Sponsor: Mr. Jarvis

R-07-07C A RESOLUTION TO ADOPT THE DOWNTOWN CANAL WINCHESTER PROPERTY ASSESSMENT AND EVALUATION STUDY DATED JULY 2009 VERSION 5.0

Mr. Jarvis read the resolution and moved to adopt Resolution 10-09. Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried.

SECOND Reading

Sponsor: Mr. Jarvis

R-09-08A A RESOLUTION TO ADOPT THE FIVE YEAR CAPITAL IMPROVEMENTS PLAN/MAINTENANCE OF EFFORT FOR THE CALENDAR YEARS 2010-2014 FOR THE VILLAGE OF CANAL WINCHESTER OHIO

Read the resolution; second reading only.

FIRST Reading

Sponsor: Dr. Bender

R-09-08B A RESOLUTION AUTHORIZING THE VILLAGE SOLICITOR TO FILE AN APPEAL TO THE ENTRY AND DECISION OF AUGUST 3, 2009 IN THE CASE OF *ROCKFORD HOMES, INC. V. VILLAGE OF CANAL WINCHESTER, et al.*, FRANKLIN COUNTY MUNICIPAL COURT, ENVIRONMENTAL DIVISION, COLUMBUS, OHIO, CASE NO. 2009 EVA 060050.

Dr. Bender read the resolution and moved to suspend the rules for second and third reading. Mrs. Mershon seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried.

Dr. Bender moved to adopt Resolution 11-09. Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried.

Mayor's Report:

Mr. Paini moved to accept the report of the Mayor's Court Clerk for the month of July 2009. Dr. Bender seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

NAYS

Motion carried.

Mayor Ebert stated that after numerous attempts to contact County Commissioner Paula Brooks, her office called and set an appointment to talk about SWACO.

Fairfield County Sheriff:

Sgt. Kern stated that the Race for Space went well and six community watch officers facilitated the race and read the report.

Village Solicitor:

Mr. Hollins stated that there will be a need for Executive Session this evening to discuss pending litigation.

Finance Director:

Ms. Osborn stated that all should have gotten information from the Municipal League about the Fall Conference Sept 30- Oct. 2nd, 2009. If interested in attending, let Ms. Osborn know so she can fill out the registration.

Public Works Director:

Thrush Drive is complete. Punch list items are done. Landscaping items are being dealt with at this time.

Robinette/Eichorn Drive is coming along well. The sanitary sewer work has started.

The Gender / 33 overpass bump in the road has been repaired. The south side of the bridge wasn't done because ODOT should come in and do improvements from the bridge south.

Everything at the water plant is going well for the first week without Joe. Friday was the last day applications were accepted to fill that position. They are working on clean-up right now and it looks very nice.

Mr. Miller is completing a .6 mile trail by the covered bridge.

The arbor at Stradley Park is currently being stained and sealed.

Maintenance on street lights continues. Mast arms along High Street and Waterloo have been painted.

Development Director:

In addition to his written report, Mr. Strayer stated that the educational survey that was done had 48 responses that varied greatly. Mayor Ebert and Mr. Strayer met with Ohio University to discuss those results. They would like to have an informational open house to talk more about what kind of education they would like to receive in the area. It is tentatively scheduled for September 17th at 6:30pm at the Community Center.

Community Affairs Director:

Ms. Hoover stated that everyone should have received an invitation to the ribbon-cutting on Friday at 2:30pm.

Next Community newsletter will be ready before Labor Day and will be the last one of the year.

Council Reports:

Old Town Committee Monday, September 14, 2009 at 5:45 PM
- cement work has been completed at the Interurban building and brick work will be next
- Ad hock group met to form a consensus on the vision of new construction in the downtown area. When the document is finished it will go back to Landmarks & Planning & Zoning.

Finance Committee Tuesday, September 8, 2009 at 5:45 PM
Service Committee Monday, September 21, 2009 at 5:45 PM
Safety Committee Monday, September 14, 2009 at 5:00 PM
- crosswalks will be studied, evaluated and re-painted on an as-needed basis.

Parks Advisory Committee Wednesday, August 26, 2009 at 6:30 PM
Committee of Whole Monday, August 31, 2009 at 6:30 PM 1st Hour Joint with P & Z
Public Hearing Tuesday, September 8, 2009 at 6:30 PM - Baltzer Appeal

New Business:

Mr. Paini received additional complaints about the speed limits from the covered bridge to the Washington Street bridge and would like to discuss enforcement in that area.

Also, Mr. Paini received a complaint about the skateboarders in Stradley Park. When a resident confronted the boarders, they were disrespectful and damaged Village property. Additional enforcement may be needed there as well, This could go on the Safety Committee agenda.

Adjourn to Executive Session:

Mr. Jarvis moved to adjourn to Executive Session on pending litigation; Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried. Time out 7:46 pm Time in 9:35pm

Adjournment:

Mr. Deeds moved to adjourn the meeting; seconded by Mr. Paini.

VOTE: **AYES** Dr. Bender, Mr. Jarvis, Mrs. Mershon
 Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini
 NAYS
 Motion carried. Time out 9:36pm

Clerk of Council

President of Council

Date

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.